

REMARKS

Claims 21-42 were presented for examination and were pending in this application. New claims 43-51 are hereby added and claims 21-42 are hereby amended merely to more specifically define inherent aspects of the invention as originally claimed. No new matter is introduced by the amendments.

Priority Claims Under 35 U.S.C. §120 and 35 U.S.C. §119(e)

The Examiner is hereby requested to acknowledge the claims for domestic priority under 35 U.S.C. §120 from U.S. Applications No. 08/949,068 and No. 08/727,996, and under 35 U.S.C. §119(e) from U.S. Application No. 60/017,682.

Claim Rejections Under 35 U.S.C. §103(e)

Claims 21-42 were rejected under 35 U.S.C. §103(e) as being obvious over U.S. Patent No. 5,291,543 ("Freese"). This rejection is respectfully traversed.

Claims 21-42, as amended, claim methods, systems, or computer readable storage devices including computer readable code for settlement of charges for Internet connection services between a local Internet service provider and a home Internet service provider. New claims 43-51 also claim a method, central settlement server, or a computer program product for settlement of charges for Internet connection services between a local Internet service provider and a home Internet service provider. Independent claims 21, 31, 32, and 39, as amended, and new independent claims 43, 46, and 49 variously recite:

“receiving, from a local Internet service provider over Internet, accounting records of a user's Internet connection service usage of a network of the local Internet service provider, the local Internet service provider operated independently from a home Internet service provider of the user, the user not having an account with the local Internet service provider but having an account with the home Internet service provider and connecting to the Internet via the local Internet service provider”
(emphasis added).

Freese does not disclose or suggest settling charges for a user's Internet connection service usage between a local Internet service provider and a home Internet service provider, where the user connects to the Internet via the local Internet service provider. Rather, Freese merely discloses a cellular telephone administration system for automatic, electronic distribution of call records to resellers, cellular telephone service provider billing facilities, and the roaming billing clearing house. Freese's entire system is based in, and operates only with, a cellular telephone system. In fact, Freese does not even mention an Internet connection service and has nothing to do with settling charges for Internet connection services. By definition, an "Internet" connection system means the use of Internet networking protocols, such as TCP (Transmission Control Protocol), IP (Internet Protocol) or the like. Freese nowhere discloses or suggests the use of such protocols which is what in part defines an "Internet" network connection and service capability.

In addition, Freese does not disclose or suggest receiving the accounting records of a user's Internet connection service usage from the local Internet service provider over the Internet. Again this inherently requires use of the above Internet protocols, among others. Rather, Freese merely discloses receiving, at the message module processor, raw call data via a synchronous serial Data Acquisition System Port (DAS) of a cellular switch. *See Freese, at col. 4, lines 54-54.* Freese explains that the DAS port is a serial x.25 communication link, *see id.*, which means that the cellular switch and the message module processor are adjacent to each other and physically connected to each other via a serial communication link. Nowhere does Freese disclose or even suggest that the message module receives the call data from the cellular switch over the Internet.

Independent claims 21 and 39, as amended, additionally variously recite:

"filtering the accounting records to remove erroneous data."

Independent claims 31 and 32 additionally variously recite:

“filter ... to generate filtered accounting records by removing erroneous data from the ... accounting records.”

As the Examiner correctly admits, Freese does not disclose or suggest filtering the accounting records of a user's Internet connection usage by removing erroneous data from the accounting records. However, the Examiner contends, without support from any prior art of record, that filtering the records to remove erroneous data is well known in the art. In the event that the Examiner continues the rejection of claims 21, 31, 32, and 39 on this ground, the Examiner is specifically requested under MPEP §2144.03 to identify a reference in support of such rejection. *See MPEP §2144.03.*

The deficient disclosures of Freese thus fail to establish even a *prima facie* basis from which a proper determination of obviousness can be made. It is therefore respectfully submitted that independent claims 21, 31, 32, and 39, as amended, and new independent claims 43, 46, and 49 are patentable over Freese.

Claims 22-30, 33-35, 36-38, 40-42, 44-45, 47-48, and 50-51 depend directly or indirectly from claims 21, 31, 32, 39, 43, 46, and 49, respectively, and thus are patentable over Freese for at least the reasons described above.

In addition, claims 44, 47, and 50 are dependent from claims 43, 46, and 49, respectively, and variously recite:

“...the accounting records are received from the local Internet service provider over the Internet using User Datagram Protocol (UDP).” (emphasis added)

Freese fails to disclose or even suggest receiving the accounting records of from the local Internet service provider over the Internet using User Datagram Protocol (UDP). Again, this is because Freese discloses only a cellular telephone system, which operates in an entirely different

manner and using different technology from Internet networks. Therefore, it is respectfully submitted that claims 44, 47, and 50 are also patentable over Freese.

Claims 45, 48, and 51 are also dependent from claims 43, 46, and 49, respectively, and variously recite:

“..the service usage report is transmitted to the home Internet service provider over the Internet using File Transfer Protocol (FTP).” (emphasis added)

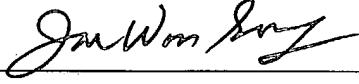
Freese fails to disclose or even suggest transmitting the service usage report to the home Internet service provider over the Internet using File Transfer Protocol (FTP). Again, this is because Freese discloses only a cellular telephone system, which operates in an entirely different manner and using different technology from Internet networks. Therefore, it is respectfully submitted that claims 45, 48, and 51 are also patentable over Freese.

It is therefore respectfully submitted that all pending claims 21-51 are patentably distinguishable from Freese, and are in condition for allowance. Favorable action is solicited.

Respectfully submitted,
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By: _____


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